

PATENT**REMARKS**

Claims 1-7 are pending in the present application and claim 8 was withdrawn from consideration by the Examiner. By this amendment, claims 1 and 2 have been amended to further clarify the invention, claims 3-8 have been cancelled without prejudice or disclaimer, and new claim 9 has been added. Applicants respectfully request reconsideration of the pending claims in view of the amendments and following remarks.

In the Office Action dated January 13, 2005, the Examiner withdrew claim 8 from consideration as alleging that the claim was directed to an invention that is independent or distinct from the invention as originally claimed. Applicants, however, respectfully submit that the Examiner's allegation that claim 8 was directed to an independent and distinct invention from the originally presented claims is completely improper. Applicants submit that claim 8 and the originally presented claims are both draw to a method for controlling transmission energy, and the Examiner has failed to provide the requisite reasoning as to why claim 8 was distinct or independent of the other originally presented claims. Applicants have cancelled claim 8 without prejudice and have incorporated the limitations thereof in existing claims 1 and 2 to further define the present invention.

The Examiner rejected claims 1-7 under 35 U.S.C. §102(b) as being anticipated by Henriksson (U.S. 5,128,965). Applicants respectfully traverse this rejection.

In the rejection, the Examiner alleges that Henriksson discloses a method for controlling transmission energy associated with generating and processing a signal indicative of a characteristic of a propagation path between a communication station and a second communication station. The Examiner further contends that Henriksson discloses transmitting the signal indicative of the characteristic to the communication station along with power adjustment requests from the second communication station, receiving the signal and power adjustment requests at the communication station, setting a transmission power level at the communication station in accordance with the received signal for a predetermined time period, and modifying the adjusted transmission power level in accordance with a step size. Applicants, however, respectfully disagree with the Examiner's interpretation of the Henriksson reference.

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Applicants respectfully submit that Henriksson is devoid any teaching of increasing the transmission energy of a communication station by a first amount in accordance with a step size corresponding to a characteristic of a propagation path, decreasing the transmission energy of the communication station from the first amount at a first predetermined rate for a period of time, and decreasing the transmission energy at a second predetermined rate after said period of time as is substantially claimed by claims 1 and 2 of the present invention as amended.

Henriksson is directed to a digital radio link system for adjusting the transmission power thereof. The system includes at a receiving end to monitor the error rate estimate and for producing a first control signal if the error rate estimate exceeds a predetermined threshold value. At a transmitting end, the transmission power is adjusted responsive to the occurrence of the first control signal by increasing the transmission power. Applicants respectfully submit, however, that although Henriksson may disclose a method of adjusting the transmission power in the manner discussed above, Henriksson fails to specifically teach to increase the transmission energy of a communication station by a first amount in accordance with a step size corresponding to a characteristic of a propagation path, decrease the transmission energy of the communication station from the first amount at a first predetermined rate for a period of time, and decrease the transmission energy at a second predetermined rate after said period of time. Accordingly, because Henriksson does not disclose to control the transmission energy of a communication station in the manner discussed above, Applicants respectfully submit that Henriksson cannot possibly anticipate claims 1 and 2 of the present invention. Therefore, Applicants submit that claims 1 and 2 of the present invention are allowable thereover.

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: July 13, 2005

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